

فُرُوقُ الْفَقَائِ

IBN AL-MIBRAD



SHAYKH AHMAD MUSĀ JIBRĪL

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.



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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليته وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the nullifiers of Wudū', and the author رحمه الله تعالى said,

والنواقض في الطهارة الصغرى ثمانية

There are 8 nullifiers of Wudū'. الخارج من السبيلين, anything exiting from the two private parts. والفاحش من غيرهما, whatever exits from other than the two private parts that's repulsive. وزوال العقل بغير نوم يسير جالسا أو قائما, loss of consciousness is a nullifier, and like it is sleep, except light sleep while one is sitting or standing, and we mentioned the details pertaining to that. The fourth and fifth nullifier of Wudū' is ومس الفرج والمرأة لشهوة, touching the private parts and a woman with desire. The sixth one is وأكل لحم الإبل, eating the meat of the camel. That's where we left off last Halaqah.

We took, pertaining to that nullifier, a total of four Masā'il. The first one is does eating the meat of the camel nullify Wudū'? We said yes. The second one is what about

other than the meat, like the spleen, the liver, the intestines, the fat and what's similar to that? We said yes, that nullifies the Wudū'. Then we took the Mas'alah of the milk of the camel, and we said there was more weight to indicate that the milk of the camel is not a nullifier. And the fourth Mas'alah was pertaining to the broth of the camel. We said it's safer to make Wudū' from the broth of the camel, especially if there are traces of meat, but there is more weight to indicate that it is *not* a nullifier of Wudū'. That's the sixth one.



The seventh one is apostasy — الردة — but before we start on that, there's a final issue on the Wudū' from the meat of the camel. It was actually a question that someone asked me after the last class. "Why do we make Wudū' from the meat of the camel?" We don't do it from the meat of the sheep or the cow. Why from the meat of the camel? And I'll add to that and say, someone eating the meat of the swine, their Wudū' is not nullified. Obviously and definitely it's Harām, it's sinful, but it's not a nullifier of Wudū'. Ibn Battāl in Sharh Al-Bukhāri said, "If someone mistakenly or purposely eats from the meat of the swine, his Wudū' is not nullified." A reason why someone may want to know the reason or the 'Illah for this matter is due to Qiyās. If we know the 'Illah then there can be Qiyās and there may be matters based on it. If you know the 'Illah for the Wudū' from the meat of the camel, then Qiyās may be applied. But to think that for every 'Ibādah you need to know the reason or the 'Illah, or for every Harām and Halāl you need to know the reason and wisdom behind it, that's not correct. And worse than that are those who ask in disapproval. That's not acceptable.

Now, whether you can do Qiyās in 'Ibādāt, in worship, that's a disputed matter and it's a matter in Usūl Al-Fiqh. The short, simple answer on that is that where the 'Illah (the cause or reason) is mentioned, Qiyās and analogy can be applied by a Mujtahid — and even as it pertains to that, it's only in a narrow sense. So the correct of two opinions, in matters of 'Ibādāt, is that if the 'Illah is known and confirmed, Qiyās can be applied in a narrow sense in certain matters. You can't do Qiyās to make up a whole brand new 'Ibādah, but one can, at times, derive rulings from one 'Ibādah to apply to the details of an already established 'Ibādah, for example.

The overall pathways that Ulamā' and Mujtahidīn use to figure out what the 'Illah is, is first of all, through An-Nass (the Qur'ān and Sunnah). Sometimes the Qur'ān and Sunnah specifically tell you the 'Illah (the reason or cause) for something. For example, why do you knock on someone's door? To gain permission to enter. You don't barge into someone's house. Allāh سبحانه وتعالى said,

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا

There is a clear Hadīth that tells us why that's legislated. In Sahīh Al-Bukhāri, the Messenger (ﷺ) was fixing his hair with a something like a metal comb, and he said to a man who peeped into his house, "If I knew that you had been peeping, I would have thrust this in your eyes. Allāh سبحانه وتعالى prescribed seeking permission to protect from glances." So it's clear, the reason for seeking permission to enter the house is to protect against a glance you're not supposed to look at.

Another way to find out the 'Illah is through Ijmā', the scholarly consensus. An example on that is if a child has an inheritance, his parents left him a lot of wealth, he is appointed a guardian over it. The reason for the guardian supervising his wealth is that child's age. The age is the 'Illah by Ijmā'.

There is also As-Sabr wat-Taqsīm, where the Ulamā' gather all the possible causes or reasons or 'Illah for the matter to check out which one is the proper 'Illah. And there are other ways. That's three of them. There is also Ash-Shaba, wal-Imāh, wad-Dawarān, wal-Munāsabah, wal-Ikhālah. This topic is discussed in detail in Usūl Al-Fiqh. Our class is Furū' al Fiqh. And if this class continues well, there is no problem in having a separate class to teach the Usūl.

In matters of 'Ibādāt, knowing the cause or reason behind them is much less than other matters like Al-Mu'amalāt, the Fiqh of dealing with others. Ash-Shātibi رحمه الله said the origin in 'Ibādāt is that it's an 'Ibādah, meaning that we don't know the reason or cause or 'Illah behind it. The number of months a woman has to do 'Iddah for Talāq, it's an 'Ibādah. The number of Rak'ah in Salāh — 3 for Maghrib, 2 for Fajr, 4 for Ishā'. Just like we wipe over our Khuff, not under it. The majority of the 'Ibādāt, we don't know the 'Illah behind them. Someone who made Wudū' and walked out of the bathroom and discharged wind — and wind isn't classified as Najs — he needs to turn back around and go make Wudū' again. Why? It's an 'Ibādah. Why is discharge of wind a nullifier, yet burping is not? It's an 'Ibādah. If we were informed of it in the Sharī'ah, the reason or cause, we say سَمِعْنَا وَأَطَعْنَا (we hear and we obey). If we don't know the reason or cause, we accept it and we adhere to it and we adhere to the command and we say

سَمِعْنَا وَأَطَعْنَا (we hear and we obey) and we say, certainly Allāh has a wisdom behind it and we add to that:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

Allāh سبحانه وتعالى cannot be questioned. He is not the One to be questioned. We're the ones who are going to be questioned. The Sharī'ah says to make Wudū' from the meat of the camel, just like with every detail of this Sharī'ah, whether it is something we're supposed to do or something we're supposed to stay away from, it's beneficial and full of wisdom, even if the entire globe says otherwise. That's our belief. Ibn Al-Qayyim رحمه الله تعالى said there's nothing in the Sharī'ah except that there's wisdom and reasons behind them. Sometimes people know it, sometimes people don't know it.

In Sahīh Muslim, Mu'ādhah asked Ā'ishah رضي الله عنها, "What's the reason that menstruating women need to make up the fasting they missed, but they don't need to make up the Salāh they missed?" Ā'ishah رضي الله عنها said,

أَحْرُورِيَّةٌ أَنْتِ؟

Ā'ishah said, "Are you a Harūriyyah?" Meaning, are you from the Khawārij? And Ā'ishah رضي الله عنها may have assumed this lady was from the Khawārij due to that question, or Ā'ishah رضي الله عنها asked her question in response to the lady's question to indicate that this is the type of questions that the Khawārij ask, and that's the thinking of the Khawārij. The lady responded, she said,

لَسْتُ بِحَرْوِيَّةٍ وَلَكِنِّي أَسْأَلُ

“I am not Harūriyyah, I’m asking to know.” Ā’ishah رضى الله عنها said,

كَانَ يُصَيِّبُنَا ذَلِكَ فَتُؤْمَرُ بِقَضَاءِ الصَّوْمِ وَلَا تُؤْمَرُ بِقَضَاءِ الصَّلَاةِ

Simple and clear. In the past, we used to go through this when the Messenger (ﷺ) was alive, and he would order us to make up the fast and he didn’t order us to make up the Salāh. That’s all there is to it. Simple and clear.

Now as it pertains to this Mas’alah, the Ulamā’ discussed the ‘Illah, or attempted to find the ‘Illah, for it — the issue of why we make Wudū’ from eating the meat of the camel.

- The general, overall opinion of the Hanābilah is that this specific matter is a matter of ‘Ibādah. We don’t know the reason. It’s just a matter of ‘Ibādah.
- The second opinion is that it’s meat touched by fire. We took the Hadīth pertaining to that. However, the Wudū’ from eating the meat of the camel is different than the issue pertaining to making Wudū’ from that which is touched by fire. This is a very weak rationale, because in the Hadīth where the Messenger (ﷺ) was asked about the meat of the sheep, he gave the option to make Wudū’ from it or not. But when he was asked about Wudū’ from the meat of the camel,

he ordered it. So what do you get out of that? Had this been the correct reason (that it was cooked on fire), the answer and ruling of the Messenger (ﷺ) to both the meat of the sheep *and* camel would have been the same. But for the sheep, he gave the option to do Wudū' or not, for the camel, he ordered it, while both were cooked on fire. So that proves that this is not the correct 'Illah.

- A third opinion is they said the camel has a nature of the Shaytān, and there are various interpretations to this. Under this third opinion, there are various slightly different interpretations.

Some Ulamā' said the reason is because the camel is surrounded by Shayātīn. There's a Hadīth where the Messenger (ﷺ) deterred from making Salāh near the camels' resting places. It's not due to Najāsah, but rather because there are Shayātīn around it, they said. The narration is:

فإنها خلقت من الشياطين

“They were created from the devils.” Ibn Hibbān رحمه الله تعالى explained this narration. He said that this narration means there are Shayātīn with it or near it or around it. What's his justification for this interpretation? He said because the Messenger (ﷺ) rode on a camel, and he made Salāh while he was riding on a camel. If the camel was an *actual* Shaytān, the Messenger (ﷺ) wouldn't make Salāh on it. Ibn Hibbān said it means there are Shayātīn near it and around it. Another explanation — فإنها خلقت من الشياطين, that the camels were created from the Shayātīn — is that they have the nature of the Shayātīn. For example, in

some cultures, if someone's son causes problems, in 'Arabi they would say “ لا تشيطن ”, don't be a devil, or they would call him a Shaytān, Ya Shaytān or Ya Jinni. Not the ideal way to raise kids, but it's something common in some cultures. Even in English, if someone is a bad person, he's referred to as a devil. That person is not an actual Shaytān, his origin is not from fire, nor does the person mean that, it's just a term that's used to refer to someone who's wild or enraged or has bad habits or Deen or Akhlāq, due to that nature resembling the nature of the Shaytān. Ibn Al-Jawzi and Adh-Dhahabi (رحمهم الله) stated that when 'Umar رضي الله عنه was on his way to liberate Bayt Al-Maqdis in the famous story, he went humbly in a stitched-up thobe. And on the way there they brought him a horse to ride, and it started walking with pride, as horses tend to do at times. I spoke about that before, possibly in the Istighfār classes, and I mentioned that Khuyālā' and Khayl, the term for pride and horses, come from the same root word. 'Umar رضي الله عنه told them “Stop it, stop it” and got off and he said, “I never knew people rode Shayātīn. Bring me my camel back.” Did 'Umar رضي الله عنه mean that that horse was an actual Shaytān? He said,

ما كنت أظن الناس يركبون الشياطين

He meant that arrogant walk of that horse is a characteristic or something of the nature of the Shayātīn.

Similar to that, some Ulamā' said that the camel has some of the nature of the Shayātīn in them. So the point of deterring from making Salāh near the camel's resting places and referring to them as being created from Shayātīn — فإنها خلقت

من الشياطين — is that some Ulamā' said that if you make Salāh near the camels, they begin to rampage and act wild. That will interrupt someone's Salāh, or the least of it is it will distract someone's Khushū' and concentration. So it is a term given to them due to their behavior. Their behavior has some of the nature of the Shayātīn.

Now sheep, on the other hand, are more calm and peaceful. That may be why the Messenger (ﷺ) allowed Salāh near them. As to why the Messenger (ﷺ) made Salāh on the camel but deterred from Salāh near them, the reason is when one is near them they tend to have Shaytānic behaviors at times and go wild, but when one is on them, they're different and much more calm and peaceful. And I relate to you this as opinions of Ulamā', as I have no personal experience in this. That's, you know, opinions of the Ulamā' and what they mentioned. Ibn Al-Qayyim رحمه الله said that every camel hump has a Shaytān, and it's created from Shaytān, so it has Shaytānic powers. He is saying that they're Shaytānic, and one who eats from something is affected by its nature, and here it's the nature of the Shaytān. So he's basically saying those who eat from the camel's meat will be affected by that Shaytānic touch or effect. And Shaytān is created from fire. Fire is turned off by water, and so the effect is turned off by water. So one should make Wudū' after eating from it. That's the reason.

Similar to that is like the issue of anger. It's from the Shaytān, and the devil was created from the fire, and fire is extinguished by water, so when one becomes angry, he should make Wudū'. It's similar to that. However, it should be noted

that that is not an authentic Hadīth — that anger comes from the devil, and devil was created from fire, and fire is extinguished by water — that is a weak Hadīth. The bottom line is, some Ulamā' said Wudū' is due to its Shaytānic nature, to turn off that Shaytānic nature. All these are guesses. There's no proof on the 'Illah or reason for Wudū' from eating from the meat of the camel.

The actual reason for Wudū' from a camel's meat is that it's an 'Ibādah, with no 'Illah or cause or reason that we know of for sure. It's exactly similar to what Ā'ishah رضي الله عنها said about making up Siyām and not Salāh after women are on their menstrual days. I mentioned the statements of the Ulamā' so you know them as Talabat Al-'Ilm.

The summary of those opinions is that first of all, it's a matter of 'Ibādah. That's the first opinion. The second one is because it's cooked on fire, and we said that's extremely weak. The third is because of their Shaytānic nature, and there were slightly various explanations under that.

Now the next nullifier, the final one that the author mentions, is الردة. He said,

والردة

Apostasy. Should we take it or stop here?